

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Richard Vivas

Docket No. 5:13-MJ-1039-1

Petition for Action on Conditions of Pretrial Release

COMES NOW Thomas E. Sheppard, probation officer of the court, presenting an official report upon the conduct of defendant, Richard Vivas, who was placed under pretrial release supervision by the Honorable William A. Webb, U.S. Magistrate Judge, sitting in the Court at Fayetteville, NC, on the 13th day of March, 2013, under the following conditions:

- Report to the probation office or supervising officer as directed.
- Maintain or actively seek employment.
- Refrain from any use of alcohol.
- Refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.
- Submit to any testing required by the pretrial services office or the supervising officer to determine whether the defendant is using a prohibited substance. Any testing may be used with random frequency and include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must refrain from obstructing or attempting to obstruct or tamper, in any fashion, with the efficiency and accuracy of any prohibited substance testing or monitoring which are required as a condition of release.
- Participate in a program of inpatient or outpatient substance abuse therapy and counseling if the pretrial services office or supervising officer considers it advisable.
- Report as soon as possible to the supervising officer any contact with law enforcement, including, but not limited to, any arrest, questioning, or traffic stop.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On March 23, 2013, the defendant was arrested in Sanford, North Carolina and charged with Driving While Impaired, Driving While License Revoked, and Speeding. The defendant, who is being supervised in the Middle District of North Carolina, admitted to the probation officer that he consumed alcohol in violation of his conditions of release. He stated he was in the passenger seat of a car when they were pulled over by police, but switched seats with the driver once pulled over.

PRAYING THAT THE COURT WILL ORDER that a warrant be issued for the defendant's arrest and that a hearing be scheduled to determine if the defendant's bond should be revoked.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton

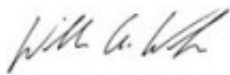
Robert L. Thornton
Supervising U.S. Probation Officer

/s/Thomas E. Sheppard

Thomas E. Sheppard
U.S. Probation Officer
310 Dick Street
Fayetteville, NC 28301-5730
Phone: (910) 483-8613
Executed On: March 25, 2013

ORDER OF COURT

Considered and ordered this 25th day of March, 2013, and ordered filed and made a part of the records in the above case.



William A. Webb
U.S. Magistrate Judge